IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.3074 OF 2006

Jitendra Amritlal Shah ..Petitioner.
Vs.
The Deputy Collector (Encroachment)
and Competent Authority & Ors. ..Respondents.

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Mr. R.S. Apte with Mr. N.R. Bubna for the Petitioner.
Mr. K.R. Belosey, AGP for Respondent Nos.1 and 2.
Mr. M. N. Kose for Respondent No.6.
Mr. A.G. Damle for Respondent No.7.

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CORAM: DR. D.Y. CHANDRACHUD, J.
18th December, 2006.

P.C. :

The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Tribunal has dismissed an application for the condonation of delay by its order dated 21st September, 2006.

The notification declaring the property as a slum was issued on 14th July, 1994. Thereafter acquisition proceedings were initiated by the State Government and a final notification under Section 14(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 was issued on 20th August, 1996. The lands have therefore vested in the State Government. Once vesting is complete, the remedy of even the

owner of the land or a person claiming interest therein is to apply for payment of compensation as provided in law. The Petitioner claims through an agreement to sell and a suit has been filed for specific performance of that agreement which is pending. The Petitioner filed an appeal to challenge the slum notification dated 14th July, 1994 only on 13th June, 2006 nearly 12 years after the date of the notification. The Petitioner pleaded that he had obtained knowledge of the notification in 2004, but the precise date was not indicated. However, there is no cogent explanation for the delay in any event between the date on which the Petitioner had claimed to have obtained knowledge of the notification and the date on which the actual appeal was filed in June 2006. That apart, once vesting is complete at the conclusion of the acquisition proceedings, the jurisdiction under Article 226 ought not to be exercised at this stage. The contention of the Petitioner that the circumstances relating to the property did not warrant the declaration of a slum and that therefore the declaration was fraudulent cannot be entertained at the present stage. The petition is dismissed.